United Nations ST/IC/2004/14

Secretariat

24 March 2004

Information circular*

To: Members of the staff at Headquarters

From: The Assistant Secretary-General for Human Resources Management

Subject: **Filing of petitions for special immigrant classification and/or applications for lawful permanent resident status in the United States of America**

1. The Secretary-General has received from the Permanent Mission of the United States of America to the United Nations a note verbale dated 24 February 2004 in which it informs the Secretariat of the new procedures for the filing of petitions for special immigrant classification and/or applications for lawful permanent resident status in the United States.

2. The text of the note verbale is set out in the annex to the present circular. Attached to the note verbale is the text of section 101 (a) (27) (I) of the Immigration and Nationality Act and notices on the subject published in the United States Federal Register (see appendices I and II).

* The present circular will be in effect until further notice.

04-28402 (E) 060404

Annex

Note verbale dated 24 February 2004 from the Permanent Mission of the United States of America to the United Nations addressed to the Secretary-General

The Permanent Mission of the United States of America to the United Nations wishes to inform the Secretariat that the Department of Homeland Security, United States Citizenship and Immigration Services (USCIS), formerly the Immigration and Naturalization Service, has advised the Department of State that as from 23 February 2004 it will designate the Nebraska Service Center as the sole filing location for petitions for special immigrant classification and/or applications for lawful permanent resident status as defined by section 101 (a) (27) (I) of the Immigration and Nationality Act (the Act).

USCIS is establishing one filing location in order to improve service to eligible officers and employees of international organizations and their family members.

Notices on this subject were published in the Federal Register on 23 January 2004 (vol. 69, No. 15, pp. 3380-3381) and corrections were published on 28 January (ibid., No. 18, p. 4210).

Under section 101 (a) (27) (I) of the Act, USCIS allows certain officers and employees of international organizations and their eligible family members to petition for special immigrant classification and apply for lawful permanent resident status in the United States, provided they have maintained G-4 or N non-immigrant status and meet certain residency and physical presence requirements as specified in the statute.

Petitions and/or applications for the benefit should be submitted to the Nebraska Service Center. Applicants requesting classification under section 101 (a) (27) (I) should file form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, with all supporting documentation and fees, to the following address:

Nebraska Service Center
P. O. Box 87360
Lincoln, NE 68501-7360

As from 23 February 2004, eligible applicants requesting classification under Section 101 (a) (27) (I) may file form I-360 concurrently with form I-485, Application to Register Permanent Residence or Adjust Status, at the Nebraska Service Center. Applicants filing the forms concurrently should submit them, with all supporting documentation and fees, to the following address:

Nebraska Service Center
P. O. Box 87485
Lincoln, NE 68501-7485

Those who have already been granted special immigrant classification as defined by section 101 (a) (27) (I) of the Act should also use the address immediately above when filing form I-485 subsequent to the approval of form I-360. Applicants should include a copy of the form I-360 Approval Notice (form I-797).

Applicants are to be reminded that in certain situations it may be beneficial to file form I-360 and form I-485 concurrently. As noted in the statute, eligible unmarried sons and daughters with the requisite residence and physical presence in G-4 or N non-immigrant status must file form I-485 no later than their twenty-fifth birthday. They must also have met the requirement of having resided and been physically present in the United States for seven cumulative years in G-4 or N status by their twenty-first birthday. USCIS wishes to remind applicants that a properly filed petition for special immigrant classification consists of the following:

- Form I-360, Petition for Amerasian, Widow(er), or Special Immigrant, properly completed and signed
- Filing fee (currently $130)
- Letter from the representative of the respective international organization, bearing his/her original signature and telephone number and indicating the following information about the current, former, retired or deceased officer or employee:
  - Evidence of immigration status held (e.g., copies of I-94, passport stamps)
  - Evidence of the time frame during which the person held that status
  - If a family member is requesting special immigrant classification, the immigration status held by the family member
- Copies of verifiable civil documents that establish the relationship between the person for whom the petition is being made and the officer or employee of the international organization (e.g., birth or marriage certificates)
- Statement signed by the applicant establishing that, while in G-4 or N non-immigrant status, the requisite residence and physical presence in the United States has been met. Evidence of residence and physical presence in the United States should accompany the statement. The statement must also list all relevant departures from and arrivals in the United States.

Examples of evidence that may be submitted to establish physical presence are: a photocopy of form I-945 or government documentation issued by a federal, state or local authority in the United States that bears the signature, seal or other authenticating instruments of such authority (if the document normally bears such an instrument), is dated at the time of issuance and bears a date of issuance not later than the time period listed in section 101 (a) (27) (I) of the Act. Other documents that may be submitted are: a state driver's licence, a state identification card, school transcripts, rental receipts, employment records, including pay stubs, and so on.

When filing for lawful permanent resident status, eligible applicants must include the following documentation. USCIS requests that the packet be submitted with the forms in the following order:

- Form I-485, Application to Register Permanent Residence or Adjust Status, properly completed and signed
- Filing fee (currently $255 for applicants 14 years of age or older; $160 for applicants under the age of 14)
- G-325A, Biographic Information, signed by the applicant

- Evidence of Lawful Entry (copies of I-94, copies of passport title page that shows the identity of the applicant, visa issued to the applicant and admission stamps)
- Form I-508, properly completed and signed
- Form I-566, Inter-Agency Record of Individual Requesting Change/ Adjustment to, or from, A or G Status; or requesting A, G, NATO Dependent Employment Authorization, with appropriate international organization endorsements and notations (please note that the United States Mission does not endorse form I-566 prior to its submission to USCIS in these cases)
- Form I-693, Medical Examination Report, and form I-693 Supplement (in sealed envelope)
- Copy of form I-797 (form I-360 Approval Notice), if previously approved
- Evidence of birth and parentage issued by an appropriate civil authority in the form of a birth certificate or other appropriate secondary evidence, such as church records, if a birth certificate is not available
- Evidence of qualifying relationship to the principal adjustment applicant issued by an appropriate civil authority if applying as a spouse accompanying or following to join the applicant (see section 101 (a) (27) (I) (iv) of the Act)
- Photographs (see the instructions to form I-485 for size, format, etc.)
- Fingerprint fee (currently $50 for applicants 14 to 79 years of age, inclusive)

Other forms that eligible applicants may wish to include in their application for lawful permanent resident are:

- Form I-131, Application for Travel Document
- Form I-765, Application for Employment Authorization
- Form G-28, Notice of Entry of Appearance as Attorney or Accredited Representative; this form must include the original signatures of the representative and the applicant

Note: For ease of processing, USCIS strongly recommends that all forms filed in relation to adjustment of status to lawful permanent resident be submitted together in one mailing.

All the forms necessary to apply for this immigration benefit are available on the USCIS web site: www.uscis.gov, or may be obtained by calling 1 (800) 870-3676. The latest filing fees are also listed on the web site.

Inquiries regarding special immigrant classification and/or application for lawful permanent resident status may be directed to the USCIS Call Center at 1 (800) 375-5283, or TTY 1 (800) 767-1833.

Appendix I

Immigration and Nationality Act of the United States of America
Section 101(a)(27)(I)

(27) The term "special immigrant" means —

...

(I) (i) an immigrant who is the unmarried son or daughter of an officer or employee, or of a former officer or employee, of an international organization described in paragraph (15)(G)(i), and who (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv) or paragraph (15)(N), has resided and been physically present in the United States for periods totalling at least one-half of the seven years before the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least seven years between the ages of five and 21 years, and (II) applies for a visa or adjustment of status under this subparagraph no later than his twenty-fifth birthday or six months after the date of the enactment of the Immigration Technical Corrections Act of 1988, whichever is later;

(ii) an immigrant who is the surviving spouse of a deceased officer or employee of such an international organization, and who

(I) while maintaining the status of a non-immigrant under paragraph (15)(G)(iv) or paragraph (15)(N), has resided and been physically present in the United States for periods totalling at least one-half of the seven years before the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least 15 years before the date of the death of such officer or employee, and

(II) files a petition for status under this subparagraph no later than six months after the date of such death or six months after the date of the enactment of the Immigration Technical Corrections Act of 1988, whichever is later;

(iii) an immigrant who is a retired officer or employee of such an international organization, and who

(I) while maintaining the status of a non-immigrant under paragraph (15)(G)(iv), has resided and been physically present in the United States for periods totalling at least one-half of the seven years before the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least 15 years before the date of the officer or employee's retirement from any such international organization, and

(II) files a petition for status under this subparagraph no later than six months after the date of such retirement or six months after the date of enactment of the Immigration and Nationality Technical Corrections Act of 1994, whichever is later; or

(iv) an immigrant who is the spouse of a retired officer or employee accorded the status of special immigrant under clause (iii), accompanying or following to join such retired officer or employee as a member of his immediate family.

Appendix II

Notices on the Immigration and Nationality Act of the United States of America published in the Federal Register

3380 Federal Register/Vol. 69, No. 15/Friday, January 23, 2004/Notices

DEPARTMENT OF HOMELAND SECURITY

Bureau of Citizenship and Immigration Services

[CIS No. 2304–03]

Direct Mail of Requests for Special Immigrant Classification and/or Adjustment of Status by Officers or Employees of International Organizations and Their Family Members

AGENCY: Bureau of Citizenship and Immigration Services, Department of Homeland Security.

ACTION: Notice.

SUMMARY: This notice advises eligible members of the international organization community that the Bureau of Citizenship and Immigration Services (CIS) is adjusting and expanding its Direct Mail Program by directing that all petitions for special immigrant classification pursuant to section 101(a)(27)(I) of the Immigration and Nationality Act (Act), whether submitted separately, or concurrently with an application for adjustment of status, be mailed to the Nebraska Service Center. Applicants who apply for adjustment of status based on a previously approved petition for special immigrant classification pursuant to section 101(a)(27)(I) of the Act must file their adjustment application at the Nebraska Service Center. We are making this change to provide better customer service.

DATES: This notice is effective February 2, 2004.

FOR FURTHER INFORMATION CONTACT: Corinna Luna-Benavides, Service Center Operations, Bureau of Citizenship and Immigration Services, Department of Homeland Security, 20 Massachusetts Avenue, NW, Washington, DC 20314, telephone (202) 305–8010.

SUPPLEMENTARY INFORMATION:

Background

What Is the Direct Mail Program?

Under the Direct Mail Program, individuals seeking certain immigration benefits, including classification as a special immigrant pursuant to section 101(a)(27)(I) of the Act, have been directed to mail the prescribed application or petition directly to a service center for processing instead of submitting it to a local office. See 61 FR 56060 (October 30, 1996). This centralized procedure has resulted in more efficient processing of applications through standardization, the elimination of duplicative work, and the increase in staff productivity.

What Authority Does CIS Have To Administer the Direct Mail Program?

On March 1, 2003, the functions of the Immigration and Naturalization Service (Service) were transferred from the Department of Justice to the Department of Homeland Security (DHS) pursuant to the Homeland Security Act of 2002, Public Law 107–296. The responsibility for the immigration-benefits-adjudications function of the Service, which includes the processes for the filing of petitions and applications, was transferred to CIS of the DHS.

Explanation of Changes

What Does This Notice Do?

This Notice advises eligible members of the international organization community that, as of February 23, 2004, if they wish to file a petition for classification as a special immigrant pursuant to section 101(a)(27)(I) of the Act on Form I–360, Petition for Amerasian, Widow(er), or Special Immigrant, the Form I–360 must be mailed to the Nebraska Service Center. If the petitioner wishes to file an application for adjustment of status on Form I–485, Application to Register Permanent Residence or Adjust Status, concurrently with the Form I–360, the Form I–485 must be mailed simultaneously (filed at the same time, bundled together in a single mailer or delivery packet, with proper filing fees, to the Nebraska Service Center). Applicants who file Form I–485 for adjustment of status based on a previously approved petition for classification as a special immigrant pursuant to section 101(a)(27)(I) of the Act, must now file their application for adjustment of status only at the Nebraska Service Center.

Does This Notice Make Any Changes Relating to an Alien's Eligibility for Classification as a Special Immigrant and/or Adjustment of Status?

No. This notice only alters the filing location for petitions and applications for adjustment of status, filed either concurrently or separately under the Direct Mail Program, submitted by international organizations' officers or employees and their family members seeking special immigrant classification pursuant to section 101(a)(27)(I) of the Act.

How Are These Petitions and Applications Currently Being Processed?

Currently, if an eligible alien were filing only a Form I–360 petition for classification as a special immigrant pursuant to section 101(a)(27)(I) of the

Act, he or she would file the petition at the service center having jurisdiction over his or her place of residence. If an eligible alien were petitioning for special immigrant classification and applying for adjustment of status concurrently, then he or she would apply for both actions at his or her local district office. If an alien were applying for adjustment of status after his or her Form I-360 petition for classification as a special immigrant had been approved, then that alien would file a Form I-485 adjustment application at his or her local district office.

Why Is CIS Changing the Application Filing Location at This Time?

The CIS is consolidating the adjudication of these benefits at one location to enhance the uniformity of decisions and improve customer service.

Are There Any Advantages for an Alien Eligible for Classification as a Special Immigrant Pursuant to Section 101(a)(27)(I) of the Act To Concurrently File an Application for Adjustment of Status (Form I-485) With His or Her Petition for Special Immigrant Classification (Form I-360)?

For certain eligible aliens, it may be in their best interest to file concurrently because of statutory deadlines requiring them to file for adjustment of status by a certain date.

Why Would an Alien Eligible Under Section 101(a)(27)(I) of the Act Not Want To File an Application for Adjustment Concurrently With a Petition for Special Immigrant Classification?

There may be certain situations whereby aliens might wish to continue to maintain their current immigration status, while knowing that they have already qualified for special immigrant status. In addition, an eligible alien may be currently outside the United States and wish to file the petition for special immigrant classification with CIS, before applying for an immigrant visa abroad, rather than applying to adjust status in the United States.

How Will Eligible Applicants Be Notified of This Change in Filing Location?

In addition to this notice, CIS will be alerting those eligible aliens of the new filing procedures on its forms Web site, at *http://www.uscis.gov/graphics/formsfee/index.htm*. To ensure that all international organizations are aware of this change, the Department of State will be contacting these organizations to inform them of the new filing procedure

When Will the New Procedure Become Effective?

This procedure becomes effective on February 23, 2004.

What Address Should Be Used?

If an alien is only submitting a petition for classification as a special immigrant (Form I-360) pursuant to section 101(a)(27)(I) of the Act, then the following address should be used: Nebraska Service Center, P.O. Box 87360, Lincoln, NE 68501-7360.

If an alien is concurrently submitting an application for adjustment of status (Form I-485) with a petition for classification as a special immigrant (Form I-360) pursuant to section 101(a)(27)(I) of the Act, or if an alien who has already had the Form I-360 approved by CIS pursuant to section 101(a)(27)(I) of the Act and later separately submits an application for adjustment of status (Form I-485), then the following address should be used: Nebraska Service Center, P.O. Box 87485, Lincoln, NE 68501-7485.

What Will Happen to the Petitions/Applications Already Filed?

Petitions for classification as a special immigrant pursuant to section 101(a)(27)(I) of the Act and any applications for adjustment of status based upon such special immigrant classification that have been filed with CIS prior to February 23, 2004, will be adjudicated to their completion at the service center or district office where they were originally filed.

What Will Happen to Those Applications/Petitions Filed at a Service Center or District Office After February 23, 2004?

Petitions for classification as a special immigrant pursuant to section 101(a)(27)(I) of the Act and any applications for adjustment of status based upon such special immigrant classification that are filed with CIS at a location other than the Nebraska Service Center after February 23, 2004, will be forwarded to the Nebraska Service Center until the instructions to the Forms I-360 and I-485 have been amended to include the correct filing address.

Will Aliens Applying for Adjustment of Status Be Interviewed?

Applicants may be eligible for a waiver of the interview pursuant to existing CIS interview waiver criteria. If the interview requirement is not waived, the case at the Nebraska Service Center will be referred to the district office where the applicant lives for an interview.

Which Applicants Will This Notice Affect?

This notice will affect those eligible individuals who have not yet submitted their petitions for special immigrant classification pursuant to section 101(a)(27)(I) of the Act and/or filed for adjustment of status based upon classification as a special immigrant pursuant to section 101(a)(27)(I) of the Act.

Dated: December 2, 2003.

Eduardo Aguirre,

Director, Bureau of Citizenship and Immigration Services.

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Corrections

Federal Register

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This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF HOMELAND SECURITY

Bureau of Citizenship and Immigration Services

[CIS No. 2304–03]

Direct Mail Requests for Special Immigrant Classification and/or Adjustment of Status by Officers or Employees of International Organizations and Their Family Members

Correction

In notice document 04–1513 beginning on page 3380 in the issue of Friday, January 23, 2004, make the following correction:

On page 3380, in the first column, under the heading "**DATES**", "February 2, 2004" should read "February 23, 2004".

[FR Doc. C4–1513 Filed 1–27–04; 8:45 am]

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